

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**DECLARATION OF MARC FENSTER IN SUPPORT OF PLAINTIFF HEADWATER
RESEARCH LLC'S MOTION TO STRIKE CERTAIN OPINIONS OF SAMSUNG'S
DAMAGES EXPERT DR. KEITH R. UGONE**

I, Marc Fenster, declare as follows.

1. I am counsel for Headwater Research LLC (“Headwater”) in the above-captioned action. I provide this declaration in support of Headwater’s Motion to Strike Certain Opinions of Samsung’s Damages Expert Dr. Keith R. Ugone. I have personal knowledge of the facts set forth herein, and if called upon to testify, could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of excerpts from the supplemental rebuttal expert report of Samsung’s damages expert, Dr. Keith R. Ugone, dated May 13, 2024.

3. Attached as Exhibit 2 is a true and correct copy of excerpts from the deposition transcript of Dr. Keith R. Ugone taken in this case, dated May 14, 2024.

4. Attached as Exhibit 3 is a true and correct copy of excerpts from a settlement and license agreement that Dr. Ugone relies on which was produced as SAM-HW00688966.

5. Attached as Exhibit 4 is a true and correct copy of excerpts from a settlement and license agreement that Dr. Ugone relies on which was produced as SAM-HW00690963.

6. Attached as Exhibit 5 is a true and correct copy of excerpts from the deposition transcript of Samsung’s 30(b)(6) designee on licenses in this case, Han Kwak, dated February 28, 2024.

7. Attached as Exhibit 6 is a true and correct copy of the Order regarding Plaintiff’s Motion to Exclude Opinions of Michael C. Newell entered in *Linksmart Wireless Technology LLC v. Gogo, LLC*, Case 8:18-cv-00654-JAK-JDE, D.I. 296 (C.D. Cal.) (Sept. 3, 2021).

8. Attached as Exhibit 7 is a true and correct copy of excerpts from a complaint filed by Bell Northern Research, LLC against Samsung produced as SAM-HW01011729.

9. Attached as Exhibit 8 is a true and correct copy of the Omnibus Order Regarding Pretrial Motions in *EcoFactor, Inc. v. ecobee, Inc.*, Case 6:20-cv-00078-ADA (E.D. Tex.) (Jun. 1,

2023).

10. Also referenced in the Motion are certain sealed exhibits that were filed as attachments to D.I. 239 in this case, including D.I. 239-2 and D.I. 239-5.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 16, 2024 at Los Angeles, California.

By: /s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

I hereby certify that on May 16, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

/s/ Marc Fenster
Marc Fenster